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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,097	01/10/2001	Barry Wendall Stewart	796	7402

7590 08/29/2003

Law Offices of John D. Gugliotta, P.E., Esq.
202 Delaware Building
137 South Main Street
Akron, OH 44308

EXAMINER

CRUZ, MAGDA

ART UNIT PAPER NUMBER

2851

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,097

Applicant(s)

STEWART, BARRY WENDALL

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 09 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4 and 8-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, the drawings and the claims failed to describe in details how the linear slide advancement mechanism works, e.g. how the slides move forward, how the springs urge each subsequent slide forward toward the projection means, how physically the slides move inside the housing (for example, in Figure 1, it is unclear why there is a slide below the projector lamp).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besancenot in view of Laizans, et al.

Besancenot (US Patent Number 3,809,470) discloses a slide projection means (9) mounted within a housing (10) for projecting a slide image (1) from a lens mounted on an anterior end of said housing (i.e. projection position; column 4, lines 35), a linear slide advancement mechanism (i.e. loading magazine, element 9) for retaining a plurality of projector slides (1); a guide rail (2 and 2') that guides and articulates a plurality of slide gripping brackets (4) that are spring urged by a slide advance spring (6) tracked between each respective gripping bracket (4) along said guide rail (2, 2'); said rail can be pivoted up into position between a lead slide and a next available slide in said linear slide advancement mechanism (column 3, lines 54-65), and as a new slide is urged forward by spring action an old slide is discharged (column 4, lines 4-7).

Laizans, et al. (US Patent Number 4,396,262) teaches a portable projector (column 1, lines 44-50) comprising: a housing (1) having a generally tubular, portable shape the overall size and shape of a conventional flashlight (Figure 1), having an on/off switch (31) positioned on a top surface of the housing (1).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the portable projector housing disclosed by Laizans, et al. in combination with Besancenot's invention, for the purpose of having a hand-held projector, further comprising means for supporting at least one battery within the housing, actuating means for selectively connecting the battery for selective energization of a projection light source (column 1, lines 52-58).

Art Unit: 2851

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besancenot in view of Laizans, et al. and further view of LiDonnici et al.

Besancenot (US Patent Number 3,809,470) in view of Laizans, et al. (US Patent Number 4,396,262) teaches the salient features of the present invention, except an access door pivotally affixed to the housing, to provide access to a housing internal cavity.

LiDonnici, et al. (US Patent Number 4,518,233) discloses an access door (20) pivotally affixed to the housing (10a), to provide access to a housing internal cavity (column 3, lines 30-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the access door pivotally affixed to the housing disclosed by LiDonnici, et al. in combination with Laizans, et al. and Walter, for the purpose of allowing to change the lamp, and therefore, have access to the internal part of the projector (column 3, lines 30-33).

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besancenot in view of Laizans, et al. and further view of LiDonnici et al. as applied to claims 9-11 above, and further in view of Johannsen, et al.

Besancenot (US Patent Number 3,809,470) in view of Laizans, et al. (US Patent Number 4,396,262) and further view of LiDonnici et al. (US Patent Number 4,518,233) teaches the salient features of the present invention, except a pair of legs for supporting a slide projector wherein the front legs are adjustable and fixed to an exterior front portion of the housing and the back leg is opposite to said front leg.

Johannsen, et al. (US Patent Number 3,743,401) discloses a pair of legs (2a, 2b) for supporting a slide projector (Figure 1) wherein the front legs (2a) are adjustable and fixed to an exterior front portion of the housing (column 3, lines 4-7) and the back leg (2b) is opposite to said front leg.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the legs for supporting a slide projector disclosed by Johannsen, et al. in combination with Besancenot, Laizans, et al. and LiDonnici et al.'s invention, for the purpose of changing up and down the inclination of the optical axis of the objective in the projector (column 3, lines 4-9).

Response to Arguments

7. Applicant's arguments filed 6/16/2003 have been fully considered but they are not persuasive.

The applicant has argued, "the switch (38) communicates with the spring (20) to cause the forward urging along the linear slide advancement mechanism". However, it is not clear how the switch (38) *communicates* with the spring (20). For example, on Figure 1 there is no relation/communication between said elements, therefore, is unclear how the slides move forward, how the springs urge each subsequent slide forward toward the projection means, how physically the slides move inside the housing.

Furthermore, the applicant has argued that Besancenot (US Patent Number 3,809,470) does not teach the "the combination of a portable slide projector having a

Art Unit: 2851

linear slide advancement mechanism wherein individual brackets and springs urge each subsequent slide toward a projection means and then return the previously displayed slide to the rear of the plurality of slides". However, Besancenot's patent is not used to reject the limitation "portable slide projector". Also, the applicant has argued that Besancenot fails to disclose "a lamp which pivots from behind a slide to the side so that the slide advancement mechanism may urge the next slide forward"; however, Besancenot discloses a slide projection means (9) mounted within a housing (10) for projecting a slide image (1) from a lens mounted on an anterior end of said housing (i.e. projection position; column 4, lines 35), a linear slide advancement mechanism (i.e. loading magazine, element 9) for retaining a plurality of projector slides (1); a guide rail (2 and 2') that guides and articulates a plurality of slide gripping brackets (4) that are spring urged by a slide advance spring (6) tracked between each respective gripping bracket (4) along said guide rail (2, 2'); said rail can be pivoted up into position between a lead slide and a next available slide in said linear slide advancement mechanism (column 3, lines 54-65), and as a new slide is urged forward by spring action an old slide is discharged (column 4, lines 4-7).

Also, the applicant has argued that LiDonnici, et al. fails to disclose "an access door which opens in a clam-shell fashion and provides access to the entire interior cavity of the housing". However, since there is no specific definition of the clam-shell door in the specification, just a "housing access door (32)", LiDonnici, et al. invention meets the definition of the access door (20) pivotally affixed to the housing (10a), to provide access to a housing internal cavity (column 3, lines 30-33).

Art Unit: 2851

Since there is no indication on the claims that the back leg is or is not adjustable, Johannsen, et al.'s invention still meets the claim language.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2851

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (703)308-6367. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703)308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Magda Cruz
Patent Examiner
August 26, 2003